

1-1 By: Bonnen of Brazoria (Senate Sponsor - Nichols) H.B. No. 1675
 1-2 (In the Senate - Received from the House April 29, 2013;
 1-3 May 10, 2013, read first time and referred to Committee on
 1-4 Transportation; May 17, 2013, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
 1-6 May 17, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			
1-16			X	
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 1675 By: Nichols

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the sunset review process and certain governmental
 1-22 entities subject to that process.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 ARTICLE 1. ENTITIES GIVEN 2017 SUNSET DATE

1-25 SECTION 1.01. TEXAS DEPARTMENT OF TRANSPORTATION. Section
 1-26 201.204, Transportation Code, is amended to read as follows:

1-27 Sec. 201.204. SUNSET PROVISION. The Texas Department of
 1-28 Transportation is subject to Chapter 325, Government Code (Texas
 1-29 Sunset Act). Unless continued in existence as provided by that
 1-30 chapter, the department is abolished September 1, 2017 [2015].

1-31 SECTION 1.02. SULPHUR RIVER BASIN AUTHORITY. Chapter 3,
 1-32 Acts of the 69th Legislature, 1st Called Session, 1985, is amended
 1-33 by adding Section 1A to read as follows:

1-34 Sec. 1A. APPLICATION OF SUNSET ACT. (a) The authority is
 1-35 subject to review under Chapter 325, Government Code (Texas Sunset
 1-36 Act), as if it were a state agency. Unless the authority is
 1-37 continued in existence, the authority is abolished and this Act
 1-38 expires September 1, 2017.

1-39 (b) The review must assess the authority's governance,
 1-40 management, and operating structure and the authority's compliance
 1-41 with legislative requirements.

1-42 (c) The authority shall pay the costs incurred by the Sunset
 1-43 Advisory Commission in performing a review of the authority under
 1-44 this section. The Sunset Advisory Commission shall determine the
 1-45 costs, and the authority shall pay the amount promptly on receipt of
 1-46 a statement from the Sunset Advisory Commission detailing the
 1-47 costs.

1-48 (d) If the authority is abolished, the procedures under
 1-49 Chapter 325, Government Code (Texas Sunset Act), relating to
 1-50 winding up the affairs of a state agency after its abolishment apply
 1-51 to the authority.

1-52 ARTICLE 2. ENTITIES GIVEN 2019 SUNSET DATE

1-53 SECTION 2.01. REGIONAL EDUCATION SERVICE CENTERS. Section
 1-54 8.010, Education Code, is amended to read as follows:

1-55 Sec. 8.010. SUNSET PROVISION. Regional education service
 1-56 centers are subject to Chapter 325, Government Code (Texas Sunset
 1-57 Act). Unless continued in existence as provided by that chapter,
 1-58 the centers are abolished and this chapter expires September 1,
 1-59 2019 [2015].

1-60 SECTION 2.02. FINANCE COMMISSION OF TEXAS. Section 11.108,

2-1 Finance Code, is amended to read as follows:

2-2 Sec. 11.108. SUNSET PROVISION. The finance commission is
2-3 subject to Chapter 325, Government Code (Texas Sunset Act). Unless
2-4 continued in existence as provided by that chapter, the commission
2-5 is abolished September 1, 2019 [~~2015~~].

2-6 SECTION 2.03. OFFICE OF BANKING COMMISSIONER. Section
2-7 12.109, Finance Code, is amended to read as follows:

2-8 Sec. 12.109. SUNSET PROVISION. The office of banking
2-9 commissioner is subject to Chapter 325, Government Code (Texas
2-10 Sunset Act). Unless continued in existence as provided by that
2-11 chapter, the office is abolished September 1, 2019 [~~2015~~].

2-12 SECTION 2.04. OFFICE OF SAVINGS AND MORTGAGE LENDING
2-13 COMMISSIONER AND DEPARTMENT OF SAVINGS AND MORTGAGE LENDING.
2-14 Section 13.012, Finance Code, is amended to read as follows:

2-15 Sec. 13.012. SUNSET PROVISION. The office of savings and
2-16 mortgage lending commissioner and the Department of Savings and
2-17 Mortgage Lending are subject to Chapter 325, Government Code (Texas
2-18 Sunset Act). Unless continued in existence as provided by that
2-19 chapter, the office and department are abolished September 1, 2019
2-20 [~~2015~~].

2-21 SECTION 2.05. OFFICE OF CONSUMER CREDIT COMMISSIONER.
2-22 Section 14.066, Finance Code, is amended to read as follows:

2-23 Sec. 14.066. SUNSET PROVISION. The office is subject to
2-24 Chapter 325, Government Code (Texas Sunset Act). Unless continued
2-25 in existence as provided by that chapter, the office is abolished
2-26 September 1, 2019 [~~2015~~].

2-27 SECTION 2.06. TEXAS WINDSTORM INSURANCE ASSOCIATION.
2-28 Section 2210.002(b), Insurance Code, is amended to read as follows:

2-29 (b) The association is subject to review under Chapter 325,
2-30 Government Code (Texas Sunset Act), but is not abolished under that
2-31 chapter. The association shall be reviewed during the period in
2-32 which state agencies abolished in 2019 [~~2015~~] are reviewed. The
2-33 association shall pay the costs incurred by the Sunset Advisory
2-34 Commission in performing the review of the association under this
2-35 subsection. The Sunset Advisory Commission shall determine the
2-36 costs of the review performed under this subsection, and the
2-37 association shall pay the amount of those costs promptly on receipt
2-38 of a statement from the Sunset Advisory Commission regarding those
2-39 costs. This subsection expires September 1, 2019 [~~2015~~].

2-40 SECTION 2.07. STATE SECURITIES BOARD. Subsection O,
2-41 Section 2, The Securities Act (Article 581-2, Vernon's Texas Civil
2-42 Statutes), is amended to read as follows:

2-43 O. The State Securities Board is subject to Chapter 325,
2-44 Government Code (Texas Sunset Act). Unless continued in existence
2-45 as provided by that chapter, the board is abolished and this Act
2-46 expires September 1, 2019 [~~2015~~].

2-47 SECTION 2.08. TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY.
2-48 Section 901.006, Occupations Code, is amended to read as follows:

2-49 Sec. 901.006. APPLICATION OF SUNSET ACT. The Texas State
2-50 Board of Public Accountancy is subject to Chapter 325, Government
2-51 Code (Texas Sunset Act). Unless continued in existence as provided
2-52 by that chapter, the board is abolished and this chapter expires
2-53 September 1, 2019 [~~2015~~].

2-54 ARTICLE 3. ENTITIES GIVEN 2021 SUNSET DATE

2-55 SECTION 3.01. TEXAS INVASIVE SPECIES COORDINATING
2-56 COMMITTEE. Section 776.007(a), Government Code, is amended to read
2-57 as follows:

2-58 (a) The committee is subject to Chapter 325 (Texas Sunset
2-59 Act). [~~The committee shall be reviewed during the periods in which
2-60 the State Soil and Water Conservation Board is reviewed.~~] Unless
2-61 continued in existence as provided by that chapter, the committee
2-62 is abolished and this chapter expires September 1, 2021 [~~on the date
2-63 on which that agency is subject to abolishment~~].

2-64 SECTION 3.02. DIVISION OF WORKERS' COMPENSATION OF TEXAS
2-65 DEPARTMENT OF INSURANCE. Section 31.004(b), Insurance Code, is
2-66 amended to read as follows:

2-67 (b) Unless continued as provided by Chapter 325, Government
2-68 Code, the duties of the division of workers' compensation of the
2-69 Texas Department of Insurance under Title 5, Labor Code, expire

3-1 September 1, 2021 [~~2017~~], or another date designated by the
3-2 legislature.

3-3 SECTION 3.03. OFFICE OF INJURED EMPLOYEE COUNSEL. Section
3-4 404.003, Labor Code, is amended to read as follows:

3-5 Sec. 404.003. SUNSET PROVISION. The office of injured
3-6 employee counsel is subject to Chapter 325, Government Code (Texas
3-7 Sunset Act). Unless continued in existence as provided by that
3-8 chapter, the office is abolished and this chapter expires September
3-9 1, 2021 [~~2017~~].

3-10 ARTICLE 4. ENTITIES REMOVED FROM SPECIFIC SUNSET REVIEW

3-11 SECTION 4.01. EARLY CHILDHOOD HEALTH AND NUTRITION
3-12 INTERAGENCY COUNCIL. Section 116.002, Health and Safety Code, is
3-13 amended to read as follows:

3-14 Sec. 116.002. REVIEW BY [APPLICATION OF] SUNSET ADVISORY
3-15 COMMISSION [ACT]. The Sunset Advisory Commission shall review the
3-16 [The] Early Childhood Health and Nutrition Interagency Council as
3-17 part of its periodic review of the Department of Agriculture under
3-18 [is subject to] Chapter 325, Government Code (Texas Sunset Act).
3-19 [Unless continued in existence as provided by that chapter, the
3-20 council is abolished and this chapter expires September 1, 2019.]

3-21 ARTICLE 5. SUNSET REVIEW PROCESS

3-22 SECTION 5.01. Chapter 325, Government Code, is amended by
3-23 adding Section 325.0127 to read as follows:

3-24 Sec. 325.0127. COST OF REVIEW. (a) In this section,
3-25 "self-directed semi-independent agency" means a state agency that
3-26 has status as a self-directed semi-independent agency under the
3-27 Self-Directed Semi-Independent Agency Project Act (Article 8930,
3-28 Revised Statutes), Chapter 16, Finance Code, Chapter 1105,
3-29 Occupations Code, or any other law. The term does not include the
3-30 Texas Department of Insurance's actuarial division and financial
3-31 examinations division as those terms are defined by Section
3-32 401.251, Insurance Code.

3-33 (b) A self-directed semi-independent agency shall pay the
3-34 costs incurred by the commission in performing a review of the
3-35 agency under this chapter. The commission shall determine the
3-36 costs of the review, and the agency shall pay the amount of those
3-37 costs promptly on receipt of a statement from the commission
3-38 regarding those costs.

3-39 SECTION 5.02. Section 325.019, Government Code, is amended
3-40 by amending Subsection (b) and adding Subsection (c) to read as
3-41 follows:

3-42 (b) In carrying out its functions under this chapter, the
3-43 commission or its designated staff member may attend any meetings
3-44 and proceedings of any state agency, including any meeting or
3-45 proceeding of the governing body of the agency that is closed to the
3-46 public, and may inspect the records, documents, and files of any
3-47 state agency, including any record, document, or file that is:

- 3-48 (1) attorney work product;
- 3-49 (2) an attorney-client communication; or
- 3-50 (3) made privileged or confidential by law.

3-51 (c) It is the intent of the legislature to allow the
3-52 commission and its designated staff members to have access to all
3-53 meetings or proceedings of a state agency being reviewed by the
3-54 commission under this chapter and to all records, documents, and
3-55 files of that agency. To the extent that this section conflicts
3-56 with other law that purports to limit the commission's access to
3-57 meetings or proceedings or to records, documents, and files, this
3-58 section controls. If federal law prohibits a state agency from
3-59 disclosing information in a record, document, or file to the
3-60 commission, including information in a record, document, or file
3-61 created as a result of or considered during a meeting or proceeding,
3-62 the state agency may redact the protected information from the
3-63 record, document, or file.

3-64 SECTION 5.03. Section 325.0195, Government Code, is amended
3-65 by adding Subsection (c) to read as follows:

3-66 (c) A state agency that provides the commission with a
3-67 record, document, or file under Section 325.019 for purposes of a
3-68 review under this chapter does not violate the attorney-client
3-69 privilege, or any other privilege or confidentiality requirement

4-1 protected or required by the Texas Constitution, common law,
4-2 statutory law, or rules of evidence, procedure, or professional
4-3 conduct, with respect to the record, document, or file provided to
4-4 the commission.

4-5 ARTICLE 6. EFFECTIVE DATE

4-6 SECTION 6.01. EFFECTIVE DATE. This Act takes effect
4-7 immediately if it receives a vote of two-thirds of all the members
4-8 elected to each house, as provided by Section 39, Article III, Texas
4-9 Constitution. If this Act does not receive the vote necessary for
4-10 immediate effect, this Act takes effect September 1, 2013.

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